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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/134,799	08/14/98	MIHURA	B

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EXAMINER	
PSITOS,A	
ART UNIT	**PAPER NUMBER**
2651	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/314,799	Applicant(s) Mihura
	Examiner Psitos	Group Art Unit 2651

☒ Responsive to communication(s) filed on *Oct 17, 2000*.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1, 3, 29, 30, 35, and 37-42* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1, 3, 29, 30, 35, and 37-42* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Applicant's communication of 10/17/00 has been received, entered and the following action is taken.

Applicant's amendment to the title of the invention is greatly appreciated, and has been entered.

Claim Rejections - 35 U.S.C. § 112

1. Claims 1,3,29,30,35,37-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly entered amendment to claim 1 with regards to the display element and its function is not readily seen to have been disclosed in the specification as originally filed.

Additionally, the examiner is not certain where the disclosure is found to enable such a function.

Claim 41 is analogous thereto, i.e, the function recited therein finds no clear support/disclosure in the specification as originally filed.

Claim 38 recites a limitation not previously found in the original specification. The examiner can find no mention of "current time display" Furthermore, the can is not clear how to interprets such, hrs., minutes, month, yr, century, nor which calendar system.

The remaining claims fail to clarify the above condition and fall therewith.

As far as the claims recite positive limitations, the following art rejections are made.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,37, 38 and 40 are rejected under 35 U.S.C. 103 (a) as being obvious over either Capps et al, Rossmere et al or Taguchi et al, each further considered with either OFFICIAL NOTICE or Ishii et al..

Capps et al teaches the claimed invention (**independent claim**) including:

a) chassis for housing electrical components - although not shown, such is inherent in the Capps et al reference - see fig.s 1 & 2 and their description wherein the housing contains at least the input serial port 11 , memory 13 and sound editor 14.

b) at least one audio input & at least one audio output - again, applicant's attention is drawn to fig. 1 and its description where the serial port 11 is the input (audio) and the output is shown as being from element 13 to the speakers 18.

c) nv-ram (non-removable) - memory 13 - computer memory - mag. disc.

d) user interface system - at least keyboard 17 in fig. 1

e) user interface control system - at least the sound editor 14 and its components.

The examiner interprets the operation of the system disclosed in Capps et al as providing for the appropriate control/selection of the audio input - doing the audio editing - and/or selection of the audio output in response to the users control.

Rossmere et al teaches the claimed invention **(independent claim)** including:

a) chassis - see fig. 1 - chassis around either elements 84, 86 or 89

b) at least one audio input & at least one audio output - although not clearly depicted, there is in/out capability for the above mention elements 84,86,89 -

c) nv-ram (non-removable) - elements 199 - audio disks - 410

d) user interface system - audio panel 152 - see fig. 3b and its disclosure

e) user interface control system - at least element 155 & 162

The examiner interprets the operation of the system disclosed in Rossmere et al as providing the appropriate control of the audio input signals for storage onto the audio discs as decided by the user.

Taguchi et al teaches the claimed invention **(independent claim)** including:

a) chassis - inherent - since the electrical components - depicted in fig. 1 do not exist out in the open but are contained.

b) audio in and out - see fig. 1 and its disclosure where the examine interprets the input from element 12 and the output to element 42.

c) nv-ram (non-removable) see element 40.

d) user interface system - control panel 50

e) user interface control system - at least CPU 30

The examiner interprets the system of Taguchi et al as providing for appropriate control for storage of audio information onto the HDD of the system as required.

The above documents lack the newly entered subject matter regarding the display capability.

All of the cited documents have a display (see the term display in each of the documents). The positioning of the display on the front side of the chassis to be either

a) inherently present -normal usage (common sense) dictates that a display is placed where it can be readily seen by a user, i.e., normally on the FRONT SIDE. Alternatively, if applicant can convince/successful argue that such is not inherently present in the above systems, then the examiner takes Official notice of placing a display on the front side of an electronic

unit/chassis for ease of viewing, motivation being to place the display component in a location readily discernable.

The newly introduced functional ability of displaying substantially only ... is taught Ishii et al - see figures 6a-d and the associated disclosure thereof.

It would have been obvious to one of ordinary skill in the art to modify the above systems of either Taguchi et al, Rossmere et al, or Capps et al with the additional teaching from Ishii et al, or Official notice & Ishii et al - motivation being to display only that information which the user is interested in, or alternatively, to reduce cost by having less display elements/complexity.

WRT claims 37, 38 and 40, the examiner points to the disclosure of figure 6 in Ishii et al which meets these limitations.

4. Claim **(s) 3,29 & 30 are** rejected under 35 U.S.C. 103(a) as being unpatentable over either the references as relied upon above with respect to claim 1 and each further considered with Yoshida et al.

The REFERENCES relied upon above wrt claim 1 teach the claimed invention (**independent claim 1)** substantially as claimed as analyzed above.

None of the references (cited above) clearly teach the above listed details of the directory with the common characteristics as found in claim 3. However, **Yoshida et al** teaches in an audio system the additional ability of having its nv-ram operable to store a plurality of directories - contents found in the TOC thereof - which as interpreted by the examiner as

containing at least song titles, (music names) record disc titles - etc. and these are interpreted as the "common characteristics" found in claim 3. Furthermore, Yoshida et al provides for additional ability of accessing whatever title/record/desired by the user using these TOCs. It is also noted that claims 29 and 30 do not call for any of the 'common characteristics' limitation. Applicant's attention is drawn to col. 4 line 11 to col. 14 line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **any of the references** relied upon above with the teachings **of Yoshida et al** motivation being to provide for more versatile recording/duplicating /editing capability by allowing the user to recreate/create his own custom record - The desire to make a copy of an original source of information is well recognized in the audio arts.

5. Claim **35 is** rejected under either 35 U.S.C. 102 (b) as being anticipated by or alternatively under 35 U.S.C. 103(a) as being unpatentable over **any of the REFERENCES** relied upon as stated above wrt claim 1 and each **IN VIEW OF OFFICIAL NOTICE**

The references are relied upon for the reasons stated above.

Claim 35 calls for a first mode of operation - continuous recording - since all of the primary references have a record capability - the examiner interprets such as the first mode to provide for continuously store (record) the audio input - Hence the examiner considers this limitation inherently present in the above primary references.

Alternatively, if applicant can convince the examiner that none of the primary reference provide for this "continuously storing" of the audio information , then the examiner considers such a capability as being well know, and takes official notice of such. In the recording arts, the ability to store (continuously) the incoming information - much like time delay recording well known by those with VCRS (video cassette/ tape recorders)- is set under normal recording conditions - i.e., either select a time and day or just operate the "record"function and continuously storing of the incoming signal (video and audio) is performed. Obviously the ability to selective play back a portion of this stored information is also self evident.

It would have been obvious to one of ordinary skill in the art to take the above well known capability and modify any of the primary references -motivation being to add greater flexibility in the operating system.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of the acknowledged prior art display device..

The examiner interprets the limitations of claim 43 as being supported by the acknowledged prior art display device as found on page 15, last line of the specification.

It would have been obvious to one of ordinary skill in the art to further modify the prior art as relied upon wrt claim 1 and further modify them with the acknowledged prior art display -

motivation being to take advantage of all ready existing technology and hence save resources in not needing to re-invent the wheel.

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Ishii et al.

As far as the examiner can ascertain, this limitation is purely a desired result, i.e, if a user is interested in only recording one specific type of information - say audio - limiting the above prior systems to only such an ability is considered :

a) inherently present in Capps et al and Taguchi et al

b) obvious over Rossmere et al either from the above limited ability from either Capps et al or Taguchi et al , or as further taught by Ishii et al.

Motivation for recording/limiting a system to only one type of information is considered obvious predicated on routine engineer selection criteria to save resources, i.e., focus in on only one type of signal for processing and hence no need to have additional processing capabilities necessary.

Applicant's attention is also drawn to the following documents:

a) Bodo et al - see figures 1& 2 wherein a chassis is depicted having the appropriate memory device and control elements - input 44a-d, output through element 112, display - element 24 - although the examiner has not relied upon this reference to reject the claims at hand, applicant is reminded of his duty under 37 CFR 1.111 (c).

b) Lang - see figures 1 and 2 - wherein the chassis - inputs (36), output (46), storage device 13, control elements 14, display - on front side - see fig. 1 - although the examiner has not relied upon this reference to reject the claims at hand, applicant is reminded of his duty under 37 CFR 1.111 (c).

c) Fasciano et al - see figures 1, 4 and 5 - various display capabilities for an audio station.

d) Kulas - figures 3 & 5 - note input/output through bus 108, disk drive 122, control elements - 112 - & chassis. Although the display is through the conventional crt/monitor , smaller lcd displays on front of a chassis have been shown above - see Bodo et al for instance.

e) Haneda - see figures 3, 12, - note in/out display, user controls, system controls and recording medium 105.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (703) 308-1598.

ARISTOTELIS M. PSITOS
PRIMARY EXAMINER
AU 2651

amp

November 29, 2000